IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

Crl.MC.No. 3154 of 2007()

CC.252/2003 of JUDL.MAGISTRATE OF FIRST CLASS COURT, THIRUVALLA

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PETITIONER:

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1. SUNNY GEORGE, S/O/GEORGE,
RESIDING AT MATHARA VEEDU,
PARUMALA MURI, KADAPRA VILLAGE,
ALAPPUZHA DISTRICT.

2. THAKKAMMA GEORGE, W/O. GEORGE,
RESIDING AT MATHARA VEEDU,
PARUMALA MURI, KADAPRA VILLAGE,
ALAPPUZHA DISTRICT.

3. SONY GEORGE, S/O. GEORGE,
RESIDING AT MATHARA VEEDU,
PARUMALA MURI, KADAPRA VILLAGE,
ALAPPUZHA DISTRICT.

4. SICILY GEORGE, S/O.GEORGE,
RESIDING AT MATHARA VEEDU,
PARUMALA MURI, KADAPRA VILLAGE,
ALAPPUZHA DISTRICT.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS:

STATE OF KERALA REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3154 of 2007

Dated this the 15th day of October, 2007

O R D E R

Petitioners face indictment in a prosecution under Section 498 A I.P.C. They had entered appearance and were enlarged on bail. On 13.08.07, when the matter came up for hearing, the petitioners were not present. Accordingly coercive processes have been issued against the petitioners.

2. According to the petitioners, they are absolutely innocent. Their absence on 13.08.07 was not wilful or deliberate. Their counsel could not appear on that day as he was ill. He has subsequently expired also, it is submitted. It is, in these circumstances, that the petitioners could not be present before the learned Magistrate on 13.08.07. They find warrants of arrest issued by the learned Magistrate chasing them. They pray that appropriate directions may be issued in favour of the. They include a woman also.

3. Having heard the learned counsel for the petitioners, I am satisfied that a lenient view can be taken and appropriate directions can be issued under Section 482 Cr.P.C.

4. This Crl.M.C is accordingly allowed. The following directions are issued:

i) The petitioners shall appear before the learned Magistrate on 23.10.07, which is said to be the next date of posting. They may apply for bail afresh. The learned Magistrate shall consider such application on merits and pass appropriate orders on the date of surrender itself;

ii) The warrants of arrest issued against the petitioners shall not be executed till 23.10.07.

(R.BASANT, JUDGE)

rtr/-